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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 4, 2015

Leo Havener, General Manager
Members of the Board of Directors
Lake Arrowhead Community Services District
P.O. Box 700
Lake Arrowhead, CA 92352

Re: Notice of Violations and Intent to File Suit Under the Clean Water Act

Dear Mr. Havener and Members of the Board:

STATUTORY NOTICE

This Notice is provided on behalf of California River Watch ("River Watch") with regard to violations of the Clean Water Act ("CWA" or "Act"; 33 U.S.C. § 1251 *et seq.*) that River Watch believes are occurring through the ownership and/or operation of Lake Arrowhead Community Services District's wastewater treatment and reclamation facilities and associated sewage collection system. River Watch hereby places Lake Arrowhead Community Services District ("the District") as owner and operator of the Lake Arrowhead Community Services District's wastewater treatment facilities and associated sewage collection system on notice, that following the expiration of sixty (60) days receipt of this Notice by the District, River Watch will be entitled under CWA § 505(a), 33 U.S.C. § 1365(a), to bring suit in the U.S. District Court against the District for continuing violations of an effluent standard or limitation pursuant to CWA § 301(a), and the Regional Water Quality Control Board, Lahontan Region, Water Quality Control Plan ("Basin Plan"), as the result of alleged unlawful discharges of sewage from sewer pipelines within the District's sewage collection system to a water of the United States.

River Watch takes this action to ensure compliance with the CWA which regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharges of pollutants to waters of the United States are prohibited with the exception of enumerated statutory provisions. One such exception authorizes a discharger, who has been issued a permit pursuant to CWA § 402, to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a National Pollutant Discharge Elimination System ("NPDES") permit define the scope of the authorized exception to the CWA § 301(a), 33 U.S.C. § 1311(a) prohibition, such that violation of a permit limit places a polluter in violation of the CWA.

River Watch alleges the District violates the CWA by discharging pollutants from a point source to a water of the United States in violation of CWA §§301(a) and 505(a)(1)(A), 33 U.S.C.§§1311(a), 1365(a)(1)(A).

The CWA provides that authority to administer the NPDES permitting system in any given state or region can be delegated by the Environmental Protection Agency ("EPA") to a state or to a regional regulatory agency, provided that the applicable state or regional regulatory scheme under which the local agency operates satisfies certain criteria (*see* 33 U.S.C. § 1342(b)). In California, the EPA has granted authorization to a state regulatory apparatus comprised of the State Water Resources Control Board ("SWRCB") and several subsidiary regional water quality control boards to issue NPDES permits. The entity responsible for issuing NPDES permits and otherwise regulating the District's operations of the Facilities in the region at issue in this Notice is the Regional Water Quality Control Board, Lahontan Region ("RWQCB") .

While delegating authority to administer the NPDES permitting system, the CWA provides that enforcement of the statute's permitting requirements relating to effluent standards or limitations imposed by the Regional Boards can be ensured by private parties acting under the citizen suit provision of the statute (*see* 33 U.S.C. § 1365). River Watch is exercising such citizen enforcement to enforce compliance by the District with the CWA.

NOTICE REQUIREMENTS

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto, shall include sufficient information to permit the recipient to identify the following:

1. *The Specific Standard, Limitation, or Order Alleged to Have Been Violated.*

River Watch has identified discharges of sewage from the District's sewage collection system to waters of the United States in violation of CWA § 301(a), 33 U.S.C. § 1311(a), which states in part: "Except as in compliance with this section and sections 302, 306, 307, 318, 402, and 404 of this Act [33 U.S.C. §§ 1312, 1316, 1317, 1328, 1342, 1344], the discharge of any pollutant by any person shall be unlawful." River Watch alleges the identified discharges took place without compliance with any of the above referenced sections of the CWA.

RWQCB Order No. R6V-2009-0037 sets forth the waste discharge requirements for the discharge of waste from the Grass Valley Wastewater Treatment Plant to the Hesperia Effluent Management Site.

2. *The Activity Alleged to Constitute a Violation.*

River Watch contends that from November 1, 2010 to November 1, 2015, the District has violated the Act as described in this Notice. River Watch contends these violations are continuing or have a likelihood of occurring in the future.

A. Collection System Subsurface Discharges To Adjacent Surface Waters Caused By Underground Exfiltration

Underground discharges, in which untreated sewage is discharged from the District's collection system prior to reaching either the Grass Valley Wastewater Treatment Plant or the Willow Creek Wastewater Treatment Plant, are alleged to have occurred throughout the period from November 1, 2010 through November 1, 2015. Discharges are alleged to have occurred from sewer lines in the collection system located within 200 feet of a surface water, and identified in the Discharger's Capital Improvement Plan(s) as requiring structural repair or replacement; whenever pressure in said sewer lines was sufficient to cause discharges through structural defects in the lines.

It is known throughout the industry that subsurface discharges occur wherever aging, damaged, and/or structurally defective sewer lines in a collection system are located adjacent to surface waters. Surface waters become contaminated with pollutants including human pathogens. Chronic failures in a collection system pose a substantial threat to public health. Studies tracing human markers specific to the human digestive system in surface waters

adjacent to defective sewer lines in other systems have verified the contamination of adjacent waters with untreated sewage.

The average age of District's sewage collection system is approximately 75 years. Many sections of the collection system are quite old and in need of repair. Approximately 30% of the sewage collection system is located in areas with easements where access to the pipelines with equipment is unaccessible. Untreated sewage is discharged from cracks, displaced joints, eroded segments, etc., into groundwater hydrologically connected to surface waters. Evidence indicates extensive exfiltration from sewer lines located within 200 feet of a surface water.

During the course of discovery River Watch will test surface waters adjacent to sewer lines in the collection system located within 200 feet of a surface water, and identified in the District's Capital Improvement Plan(s) as requiring structural repair or replacement, to determine the location and extent of exfiltration. Evidence of exfiltration can also be supported by reviewing mass balance data and "inflow and infiltration" ("I/I") data.

B. Collection System Surface Discharges Caused By Sanitary Sewer Overflows

Sanitary Sewer Overflows ("SSOs"), in which untreated sewage is discharged above ground from the collection system prior to reaching either the Grass Valley Wastewater Treatment Plant or the Willow Creek Wastewater Treatment Plant, are alleged to have occurred both on the dates identified in the Interactive Public SSO Reports (**20** separate violations) filed by the District with the California Integrated Water Quality System ("CIWQS") web based information and data program, and on dates when no reports were filed by the District, all in violation of the CWA.

As recorded in CIWQS Public SSO Reports, the District's collection system has experienced at least **20** SSOs between September 15, 2010 and November 1, 2015, with a combined volume of at least 50,825 gallons – 46,905 gallons of which were reported as having reached surface waters. For example, CIWQS Event ID #777820 describes a February 21, 2012 spill at Lakeside Trailer Park caused by debri-rags. The spill volume was estimated as 18,000 gallons, 17,900 of which was reported as reaching Arrowhead Lake (via paved surface). Also, on March 4, 2012 (CIWQS Event ID # 778346) a spill of 1,000 gallons took place at 190 John Muir caused by root intrusion with 800 gallons reported as reaching Lake Arrowhead through the storm drainage.

This Notice also includes multiple spills that may have occurred on the same day but were reported to CIWQS by the District as a single violation. Many of the District's SSO Reports state "null" for question 12, "Number of appearance points".

Releases Reported. The District's aging collection system has historically experienced high inflow of rain water and infiltration of ground water during wet weather. Structural defects which allow I/I into the sewer lines result in a buildup of pressure which causes SSOs. Overflows caused by blockages and I/I result in the discharge of raw sewage into gutters, and storm drains (unfiltered) which are connected to adjacent surface waters such as Lake Arrowhead, Lower Little Bear Creek, Willow Creek, and Deep Creek which is tributary to Holcomb Creek – all waters of the United States. Holcomb Creek flows northward from the San Bernardino Mountains to the confluence with the Mojave River through rugged rock-ribbed canyons.

As recorded in CIWQS Public SSO Reports, the District's collection system has experienced at least fifteen (**15**) SSOs between September 15, 2010 and September 15, 2015 which were reported as reaching a water of the United States. The CIWQS Event IDs of those violations are: 757341, 759176, 759200, 759720, 763224, 764373, 765795, 772912, 773485, 774124, 777820, 778346, 793684, 805898, 812210. All of these discharges are violations of CWA § 301(a), 33 U.S.C. 1311(a), in that they are discharges of a pollutant (sewage) from a point source (sewage collection system) to a water of the United States without complying with any other sections of the Act.

Additional Discharges to Surface Waters. River Watch's expert believes that many of the SSOs reported by the District as having been contained without reaching a surface water did in fact discharge to surface waters; and those reported as partially reaching a surface water did so in greater volume than stated. The claim of full containment is called into question by the fact that the majority of SSO Reports filed by the District state the estimated start time of the SSO as the time when the reporting party first noticed the SSO.

Studies have shown that most SSOs are noticed significantly after they have begun. The District's Reports indicate that some of the discharges reach a storm drain, but fail to determine the accurate amounts which reach a surface water. Since the volume of SSOs of any significance is estimated by multiplying the estimated flow rate by the duration, the practice of estimating a later than actual start time leads to an underestimation of both the duration and the volume. In the previously mentioned spills, the reported start time and agency notification time are the same. For a spill occurring on December 22, 2010 (Event ID

759720) the operator arrival time is stated as 5 minutes after the notification time. For a spill occurring on May 1, 2014 (Event ID # 805898) the operator arrival time is reported as just 7 minutes after the SSO supposedly began, and 6 minutes after the spill was discovered. It is highly unlikely these times and intervals are accurate. River Watch contends the District is grossly underestimating the incidence and volume of SSOs that reach surface waters.

Mitigating Impacts. River Watch contends the District also fails to adequately mitigate the impacts of SSOs. The District is a permittee under the Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements Order No. 2006-003-DWQ ("Statewide WDR") governing the operation of sanitary sewer systems. The Statewide WDR mandates that the permittee shall take all feasible steps to contain and mitigate the impacts of a SSO. The EPA's "Report to Congress on the Impacts of SSOs" identifies SSOs as a major source of microbial pathogens and oxygen depleting substances.

Holcomb Creek, a major tributary of Deep Creek and Willow Creek, flows northward from the San Bernardino Mountains and merges with the Mojave River, providing a major source of water for desert residents, animals, and vegetation. Willow Creek and Deep Creek provide home to several sensitive amphibian and fish species including the endangered Arroyo toad, Mojave chub, and the three-spined stickleback. Wildlife supported by theses waters include nesting golden eagles, California spotted owl, mountain lion, black bear, mule deer, and the endangered flying squirrel. The Upper Holcomb Creek provides habitat for several threatened and endangered plant species.

There is no record of the District performing any analysis of the impact of SSOs on critical habitat of protected species under the ESA, nor any evaluation of the measures needed to restore water bodies designated as critical habitat from the impacts of SSOs.

The Statewide WDR requires the District to take all feasible steps and perform necessary remedial actions following the occurrence of a SSO, including limiting the volume of waste discharged, terminating the discharge, and recovering as much of the wastewater as possible. Further remedial actions include intercepting and re-routing of wastewater flows, vacuum truck recovery of the spill, cleanup of debris at the site, and modification of the collection system to prevent further SSOs at the site. One of the most important remedial measures is the performance of adequate sampling to determine the nature and the impact of the release. As the District is severely underestimating SSOs which reach surface waters, River Watch contends the District is also not conducting sampling on most SSOs.

C. Unauthorized Bypass

During wet weather when flows to the Grass Valley Wastewater Treatment Plant exceed the treatment plant design capacity of 4.0 MGD, and the District discharges wastewater containing inadequately treated sewage which contains pathogenic organisms to Grass Valley Creek, these bypasses are an unauthorized discharge to surface waters in violation of CWA § 301(a), 33 U.S.C. 1311(a), in that they are discharges of a pollutant (sewage) from a point source (sewage treatment plant) to a water of the United States without complying with any other sections of the Act.

Pond System Discharges. The Hesperia Effluent Management Site is comprised of approximately 350 acres. The Irrigation Area and percolation ponds at the Hesperia Effluent Management Site are the only authorized disposal sites. They are located adjacent to the Mojave River in Hesperia, about 2 miles south of Hesperia Lake. The Irrigation Area is approximately 150 acres and is used for spray irrigation of fodder crops. The percolation ponds have a disposal capacity of 4.0 MGD. During periods of high levels of rainfall, whenever water levels in the unlined percolation ponds exceed their holding capacity, the ponds release the District's effluent to shallow soils and ground water hydrologically connected to the Mojave River, resulting in ongoing discharges of effluent to the River. Both surface discharges and underground discharges to the Mojave River via hydrologically connected ground water are unauthorized discharges to surface waters in violation of CWA § 301(a), 33 U.S.C. 1311(a), in that they are discharges of a pollutant (sewage) from a point source (percolation ponds) to a water of the United States without complying with any other sections of the Act.

D. Impacts to Beneficial Uses

A study conducted in 2003 by the United States Geological Survey defines the Mojave River Basin as having multiple beneficial uses including municipal and domestic supply, agriculture supply, industrial service supply, and freshwater replenishment. SSOs reaching the Basin's ground water through discharges at Willow Creek cause prohibited pollution by unreasonably affecting its beneficial uses. Willow Creek and its tributaries are significant waterways in the San Bernardino Mountains. River Watch is understandably concerned regarding the effects of both surface and underground SSOs on critical habitat in and around Lake Arrowhead, Grass Valley Creek, Deep Creek, Holcomb Creek, Willow Creek and the Upper Mojave River Basin.

3. *The Person or Persons Responsible for the Alleged Violation.*

The entity responsible for the alleged violations identified in this Notice is Lake Arrowhead Community Services District and those of its employees responsible for compliance with the CWA and with any applicable state and federal regulations and permits.

4. *The Location of the Alleged Violations.*

The location or locations of the various violations alleged in this Notice are identified in records created and/or maintained by or for the District which relate to wastewater treatment plants and sewage collection system as described in this Notice.

Lake Arrowhead Community Services District is a special district formed in 1978 under California Special district law, Government Code § 61000 *et seq.*, providing water and wastewater services for the communities of Lake Arrowhead, Blue Jay, Cedar Glen, Twin Peaks, Rim Forest, Arrowhead Villas, Crest Park, and Deer Lodge Park. The combined population of these communities is approximately 20,000. The District is governed by a five-member Board of Directors. The General Manager of the District is appointed by the Board of Directors to oversee the District's activities.

The District's sewer service encompasses an area of approximately 15 square miles in the San Bernardino Mountains, at an elevation of approximately 5,200 feet. Lake Arrowhead is a mountain alpine resort community characterized by steep hillsides and shallow soils. The San Bernardino Mountains compress moisture in Pacific storms, resulting in substantially higher precipitation rates than in areas below. During vacation periods, the population may double temporarily. Over 50% of the residential dwelling units are second homes. The combination of primary and secondary residencies causes variations in dry weather wastewater flow.

Surface waters located within the District's sewer service area include Lake Arrowhead, Grass Valley Lake, Papoose Lake, Lower Little Bear Creek and streams tributary to Lake Arrowhead such as Blue Jay Creek and Kuffel Canyon Creek. Grass Valley Creek is tributary to the West Fork of the Mojave River. Lower Little Bear Creek and Willow Creek are tributary to Deep Creek, Holcomb Creek, and the Mojave River Basin.

Collection System

Wastewater is collected in a community sewer system and treated at the Grass Valley Wastewater Treatment Plant. The Plant's design average daily flow is 3.75 MGD. The facility can adequately treat this flow amount. The average daily flow in 2011 was 1.41 MGD. I/I contribution measured at the Plant can exceed twice the regular flow of 1.8 MGD. During extreme weather conditions the Plant has received flow in excess of 6 MGD. Treated wastewater is transported in the Hesperia outfall and discharged to percolation ponds at the Hesperia Effluent Management Site. The capacity of the outfall is 4.0 MGD.

The system is a gravity flow system consisting of five types of pipes that are poured-in-place concrete; clay, asbestos cement (AC), plastic, PVC pipe, and slip-lining with High-Density Polyethylene(HDPE). Approximately 25% of the District's sewer lines were installed between the 1920's and 1950's, with compression gaskets introduced in the 1960's. Some sewer lines are laid at shallow depths near bed rock, and are thus more subject to cracks from surface loads.

The collection system consists of 300 miles of public sewer, approximately 10,000 building service connections, approximately 8,000 manholes, and 21 remote lift stations, 18 of which have standby generators that serve the lift station during power failures. The remaining 3 lift stations are small and located in low flow areas that can be served by trailer-mounted generators equipped with quick connect couplers. These pipelines traverse across the mountain range and flow toward Lake Arrowhead. Severe slope and grade changes create challenges for the placement of pipelines. Pipeline depth averages between 3 and 8 feet as a result of the steep grade changes. Existing soil conditions include decomposed granite and top soil enriched with organic material from the trees. Collection system pipelines are installed and located in the ground water table and have extensive flow increases particularly during the rainy season.

Wastewater Treatment Plants

The District owns and operates the Grass Valley Wastewater Treatment Plant and Willow Creek Wastewater Treatment Plant. The Willow Creek facility is a flow equalization satellite plant of the Grass Valley Wastewater Treatment Plant. Excess flows are stored in ponds at the Willow Creek Plant for eventual treatment at the Grass Valley Plant. The Grass Valley facility currently provides advanced secondary wastewater treatment for up to 2.5 MGD (dry weather, maximum average 72-hour flow). Treatment includes primary (aerated

grit removal, primary clarifiers), secondary (trickling filters, secondary clarifiers), nitrogen removal (deep-bed sand filters), and disinfection (chlorination). The Willow Creek Plant provides secondary treatment for up to 1.7 MGD (dry weather, maximum average 24-hour flow). Treatment consists of primary (aerated grit chambers, primary clarifiers), secondary (activated sludge, secondary clarifiers), and disinfection (chlorination).

The District utilizes 3 modes of operation. Under the separate mode (Mode No.1), the Intertie Pipeline is not in use and final effluent from both treatment plants is discharged into the Willow Creek and Grass Outfall Pipeline Branches, respectively. Using tank trucks, the District can haul sludge generated at the Willow Creek Treatment Plant to the Grass Valley Treatment Facility for de-watering.

Under the integrated modes (Mode No. 2 and 3), the two treatment plants are operated so that they function as one facility. When the Intertie Pipeline is in use, the operation is integrated. Under Mode No.2. The Willow Creek facility provides secondary treatment and full nitrification of the influent flow from the Willow Creek Interceptor Sewer. Secondary effluent, primary sludge and return activated sludge generated by the Willow Creek facility flows into the Intertie Pipeline. The Intertie Pipeline conveys the flow to the headworks of the Grass Valley Treatment facility for further treatment. Denitrification of the wastewater occurs inside the Intertie Pipeline. The Grass Valley facility provides treatment of the combined flows from the Grass Valley Interceptor and the Intertie Pipeline. Wastewater treatment at the Grass Valley facility includes secondary treatment with full nitrification, denitrification by the nitrogen Removal Filters, and disinfection (chlorination).

Under Mode 1 and 2, the total capacity to treat raw wastewater is 4.0 MGD (dry weather, maximum average 24-hour flow). Under Mode No. 3 (high I/I), the treatment facilities are operated similar to the methods described above for Mode No. 2. The treatment facilities have the capacity to treat raw wastewater influent flows (wet weather, maximum peak hour flows) of 10+ MGD.

Wastewater Treatment Process

Wastewater from homes and businesses is transported through the sewage collection system via gravity and through pump stations, to one of the two treatment plants. At the plant, wastewater flows through bar screens where rags, trash and debris are removed. Wastewater then flows into a grit chamber where grit is removed. The grit is washed, de-watered and taken to a landfill for disposal. The wastewater then flows to primary clarifiers

where floating fats, oils, and vegetable matter is skimmed off the water surface and sludge, primarily organic material, is settled to the bottom. The sludge and scum removed in the primary sedimentation process are pumped to de-watering presses. From the primary process, the wastewater (which still contains dissolved solids and organic material) flows over trickling filters which enables the formation of slimes or biomass which contains organisms that feed upon and remove wastes. The wastewater then flows to secondary clarifiers where sloughed off biomass from the trickling filters sinks to the bottom of the tank as Humus sludge, which is then pumped off to be mixed with primary sludge prior to de-watering. At this stage, the water coming off the top of the secondary clarifiers has had more than 95 percent of its impurities removed. From the secondary clarifiers, the wastewater is pumped to denitrification filters, which are deep bed mono-media filters with methanol added to the filter influent as a carbon source, providing food for the denitrifying bacteria in the filters. This process is required to protect groundwater from Nitrogen contamination by percolation of the District's treated wastewater.

Following denitrification, wastewater is pumped through a 10 mile outfall pipeline to the Hesperia Effluent Management Site adjacent to the west bank of the Mojave River Channel, located in the high desert at an elevation of 2,930 feet above mean sea level. The Hesperia Effluent Management Site includes 4 percolation ponds and an area for application of treated wastewater to grow fodder crops. Wastewater is pumped into the percolation ponds recharging underground aquifers of the Mojave River Basin. During the summer months a portion of the Grass Valley facility effluent receives tertiary treatment to Title 22 recycled water standards and is pumped to the Lake Arrowhead golf course for irrigation. The primary and Humus sludges removed are thickened and then de-watered. The de-watered sludge (biosolids) is transported to either the Mitsubishi Cement Plant in Lucerne Valley for incineration, or to a biosolids composting site in Newberry Springs, California and combined with green waste to produce a fertilizer product.

The District's Outfall Pipeline System is located on federal lands administered by the U.S. Forest Service, and land owned by the State of California and administered by Caltrans. This System is used to convey effluent from the treatment facilities to the Hesperia Effluent Management Site. The outfall has a design capacity of 4.0 MGD and cannot convey sustained flows above that. This Pipeline System consists of 3 components: the Willow Creek and Grass Valley Branches, and the Common Outfall Pipeline. Both treatment plants connect to the common Outfall Pipeline at a point down gradient of the facilities. The piping in the system is composed of steel. The facilities are located in the Mojave River watershed which has an area of about 1,600 square miles.

5. *The Date or Dates of Violation or a Reasonable Range of Dates During Which the Alleged Activity Occurred.*

River Watch has examined records of the SWRCB and the RWQCB with respect to the District's wastewater treatment facilities and associated sewage collection system for the period from November 1, 2010 to November 1, 2015. The range of dates covered by this Notice is November 1, 2010 to November 1, 2015. River Watch may from time to time update this Notice to include all violations of the CWA by the District which occur after the range of dates currently covered. Some violations are continuous in nature, and therefore each day constitutes a violation.

6. *The Full Name, Address, and Telephone Number of the Person Giving Notice*

The entity giving Notice is California River Watch, referred to herein as "River Watch". River Watch is a 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California, with headquarters located in Sebastopol, California and offices in Los Angeles, California. The mailing address of River Watch's northern California office is 290 S. Main Street, #817, Sebastopol, CA 95472. The mailing address of River Watch's Southern California office is 7401 Crenshaw Blvd. # 422, Los Angeles, CA 90043.

River Watch is dedicated to protecting, enhancing, and helping to restore surface and ground waters of California including rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs.

River Watch may be contacted via email:US@ncriverwatch.org, or through its attorneys. River Watch has retained legal counsel with respect to the issues raised in this Notice. All communications should be directed as follows:

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RECOMMENDED REMEDIAL MEASURES

I. DEFINITIONS

A. Condition Assessment: A report that comprises inspection, rating, and evaluation of the existing condition of a sewer collection system. Inspection is based upon closed circuit television ("CCTV") inspections for gravity mains, manhole inspections for structural defects, and inspections of pipe connections at the manhole. After CCTV inspection occurs, pipe conditions are assigned a grade based on the Pipeline Assessment and Certification Program ("PACP") rating system, developed by the National Association of Sewer Service Companies. The PACP is a nationally recognized sewer pipeline condition rating system for CCTV inspections.

B. Full Condition Assessment: A Condition Assessment of all sewer lines in the sewer collection system with the exception of sewer lines located within two hundred (200) feet of surface waters.

C. Surface Water Condition Assessment: A Condition Assessment of sewer lines in the sewer collection system located within two hundred (200) feet of surface waters including gutters, canals and storm drains which discharge to surface waters.

D. Significantly Defective: A sewer pipe is considered to be Significantly Defective if its condition receives a grade of 4 or 5 based on the PACP rating system. The PACP assigns grades based on the significance of the defect, extent of damage, percentage of flow capacity restriction, and/or the amount of pipe wall loss due to deterioration. Grades are assigned as follows:

5– Most significant defect
4– Significant defect
3– Moderate defect
2– Minor to moderate defect
1– Minor defect.

II. REMEDIAL MEASURES

River Watch believes the following remedial measures are necessary to bring the District into compliance with the CWA and the Basin Plan, and reflect the biological impacts

of the District's ongoing non-compliance with the CWA:

A. Sewage Collection System Investigation and Repair

1. The repair or replacement, within two (2) years, of all sewer lines in the District's sewage collection system located within two hundred (200) feet of surface waters, including gutters, canals and storm drains which discharge to surface waters, which have been CCTV'd within the past ten (10) years and were rated as Significantly Defective or given a comparable assessment.

2. Within two (2) years, the completion of a Surface Water Condition Assessment of sewer lines which have not been CCTV'd during the past ten (10) years.

3. Within two (2) years after completion of the Surface Water Condition Assessment the District will:

   i. Repair or replace all sewer lines found to be Significantly Defective;

   ii. Repair or replace sewer pipe segments containing defects with a rating of 3 based on the PACP rating system, if such defect resulted in a SSO, or, if in the District's discretion, such defects are in close proximity to Significantly Defective segments that are in the process of being repaired or replaced;

   iii. Sewer pipe segments which contain defects with a rating of 3 that are not repaired or replaced within five (5) years after completion of the Surface Water Condition Assessment are to be re-CCTV'd not more than every five (5) years to ascertain the condition of the sewer line segment. If the District determines the grade-3 sewer pipe segment has deteriorated and needs to be repaired or replaced, the District shall complete such repair or replacement within two (2) years after the last CCTV cycle.

4. Beginning no more than one (1) year after completion of the Surface Water Condition Assessment, the District shall commence a Full Condition Assessment to be completed within seven (7) years. Any sewer pipe segment receiving a rating of 4 or 5 based on the PACP rating system shall be repaired

or replaced within three (3) years of the rating determination.

5. Provision in the District's Capital Improvements Plan to implement a program of Condition Assessment of all sewer lines at least every five (5) years. Said program to begin one (1) year following the Full Condition Assessment described above.

B. SSO Reporting and Response

1. Modification of the District's Backup and SSO Response Plan to include in its reports submitted to the CIWQS State Reporting System the following items:

   i. The method or calculations used for estimating total spill volume, spill volume that reached surface waters and spill volume recovered.

   ii. For Category I Spills, a listing of nearby residences or business owners who have been contacted to attempt to establish the SSO start time, duration, and flow rate, if such start time, duration, and flow rate have not been otherwise reasonably ascertained, such as from a caller who provides information that brackets a given time that the SSO began.

   iii. Taking of photographs of the manhole flow at the SSO site using the San Bernadino Method array, if applicable to the SSO; or other photographic evidence that may aid in establishing the spill volume.

2. Water quality sampling and testing to be required whenever it is estimated that fifty (50) gallons or more of untreated or partially treated wastewater enters surface waters. Constituents tested for to include: Ammonia, Fecal Coliform, E. coli and a CAM-17 toxic metal analysis. The District shall collect and test samples from three (3) locations: the point of discharge, upstream of the point of discharge, and downstream of the point of discharge. If any of said constituents are found at higher levels in the point of discharge sample and the downstream sample than in the upstream sample, the District will determine and address the cause of the SSO that enters surface waters, and employ the following measures to prevent future overflows: (a) if the SSO is caused by a structural defect, then immediately spot repair the defect or replace the entire line; (b) if the defect is non-structural, such as a grease blockage or vandalism

to a manhole cover, then perform additional maintenance or cleaning, and any other appropriate measures to fix the nonstructural defect.

3. Creation of website capacity to track information regarding SSOs; or in the alternative, the creation of a link from the District's website to the CIWQS SSO Public Reports. Notification to be given by the District to all customers and other members of the public of the existence of the web-based program, including a commitment to respond to private parties submitting overflow reports.

C. Lateral Inspection/Repair Program

1. Creation of a mandatory, private sewer lateral inspection and repair program triggered by any of the following events:

   i. Transfer of ownership of the property if no inspection/replacement of the sewer lateral occurred within ten (10) years prior to the transfer;

   ii. The occurrence of two (2) or more SSOs caused by the private sewer lateral within two (2) years;

   iii. A change of the use of the structure served (a) from residential to non-residential use, (b) to a non-residential use that will result in a higher flow than the current non-residential use, and (c) to non-residential uses where the structure served has been vacant or unoccupied for more than three (3) years;

   iv. Upon replacement or repair of any part of the sewer lateral;

   v. Upon issuance of a building permit with a valuation of $25,000.00 or more; or

   vi. Upon significant repair or replacement of the main sewer line to which the lateral is attached.

D. Ground Water Monitoring Wells

Within two (2) years, the installation of ground water monitoring wells between the District's percolation ponds and adjacent surface waters, in sufficient numbers and at locations best situated to provide reliable data regarding the impacts of releases from the District's percolation ponds on ground water and adjacent surface waters. The District will design its ground water monitoring well system in consultation with the RWQCB.

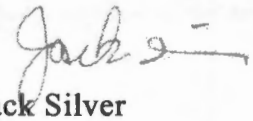
CONCLUSION

The violations set forth in this Notice effect the health and enjoyment of members of River Watch who reside and recreate in the affected community. Members of River Watch use the affected watershed for recreation, fishing, swimming, hiking, photography, water skiing, boating, horseback riding, nature walks and the like. Their health, use and enjoyment of this natural resource is specifically impaired by the District's alleged violations of the CWA as set forth in this Notice.

CWA §§ 505(a)(1) and 505(f) provide for citizen enforcement actions against any "person", including a governmental instrumentality or agency, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. 33 U.S.C. §§ 1365(a)(1) and (f), § 1362(5). An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to $37,500 per day/per violation for all violations pursuant to Sections 309(d) and 505 of the Act, 33 U.S.C. §§ 1319(d), 1365. See also 40 C.F.R. §§ 19.1 – 19.4. River Watch believes this Notice sufficiently states grounds for filing suit in federal court under the "citizen suit" provisions of CWA to obtain the relief provided for under the law.

The CWA specifically provides a **60-day** "notice period" to promote resolution of disputes. River Watch strongly encourages the District or its representative to contact River Watch within **20 days** of receipt of this Notice Letter to: (1) initiate a discussion regarding the allegations detailed in this Notice, and (2) set a date for a site visit. In the absence of productive discussions to resolve this dispute, or receipt of additional information demonstrating that the Discharger is in compliance with the strict terms and conditions of its NPDES Permits and the CWA, River Watch intends to file a citizen's suit under CWA § 505(a) when the 60-day notice period ends.

Very truly yours,



Jack Silver

JS:lhm

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